IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 18174 of 2007(L)

PETITIONER:

K.P.VARGHESE, S/O. POULOSE, AGED 51 YRS,
KUNNATH KALAPURAYIL, VADAYAMBEDI KARA,
PUTHENCRUZ, NOW EMPLOYED AT UNITED STATES,
REP.BY FATHER AS WELL AS P/A. SRI.K.P.POULOSE,
S/O. PATHROSE, AGED 79, KUNNATH KALAPURAYIL,
VADAYAMBEDI, PUTHENCRUZ.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY (LOCAL SELF GOVT.),
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANADU, ERNAKULAM.

3. PUTHRIKA GRAMA PANCHAYAT,
PUTHRIKA, NEAR KOLENCHERRY, REPRESENTED BY
ITS SECRETARY.

4. VADAVUKODE BLOCK PANCHAYAT,
VADAVUKODE, REPRESENTED BY ITS SECRETARY.

5. A.B.SLEEBA, AGED 50 YEARS, S/O. VARKEY,
AYKARAKUNNATH, VADAYAMBEDI, MEMBER,
WARD NO.XII, PUTHRIKA GRAMA PANCHAYAT,
PUTHRIKA, NEAR KOLENCHERRY.

6. C.K.THANKAPPAN,
CHOVATTEMALAYIL, VADAYAMBEDY,
CONVENER FOR THE CONSTRUCTION OF CHEMMALA COLONY, KARIKATU MALA ROAD, VADAYAMBEDI,
NEAR KOLENCHERRY.

7. ASSISTANT EXECUTIVE ENGINEER,
VADAVUKADU BLOCK PANCHAYAT, KOLENCHERRY.

BY ADV. SRI.NIREESH MATHEW
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TP P3	**TRUE COPIES OF THE DOCUMENT NO.2036/1977 DD. 19-4-77 DOCUMENT NO.2943/77 AND DOCUMENT NO.1301/79 DTD. 16-4-79**
EXT.P4	**TRUE COPY OF THE TAX RECEIPT DTD. 6-3-07 ISSUED BY THE VILLAGE OFFICER IKKANADU SOUTH VILLAGE**
EXT.P5	**TRUE COPY OF THE POWER OF ATTORNEY EXECUTED IN FAVOUR OF THE PETITIONER DTD. 12-1-96**
EXT.P6	**TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER DTD. 7-5-07**
EXT.P7	**TRUE COPY OF THE REPLY NOTICE ISSUED BY R2 DTD. 11-5-07**
EXT.P8	**A TRUE COPY OF THE RECENT PHOTOGRAPHS SHOWING THE ILLEGAL EXCAVATION OF THE SOIL.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 18174 OF 2007

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Dated this the 11th day of July, 2007

JUDGMENT

Prayer in the writ petition is for a direction to respondents 2 to 7 to consider the grievances of the petitioner and provide adequate protection to his property as well as compound wall by providing necessary drainage as well as retaining wall on the northern side of the petitioner's property and restore the entry to the petitioner's property from the road within a time. There is a further prayer for a direction to the 7th respondent to produce the entire file relating to the construction of Chemala colony KarikkattuMala road including its plan, estimate etc.

2. Counter affidavit is filed by respondents 5 and 6. Therein, it is interalia stated as follows:

> " *It is submitted that the averments in para 5 is not correct and hence denied. It is submitted that all the maintenance work of the above mentioned road is almost over and a small drainage was constructed as per the estimate to*

facilitate the drainage of waste water on the side of the road. The above mentioned drainage was constructed by the respondents after giving the necessary width from the petitioner's compound wall. No damage has been done to the petitioner's compound wall by constructing the above mentioned drainage. The above mentioned drainage is properly constructed and the side walls is properly concreted and plastered by using cement by the respondents. It is submitted that proper drainage is also provided to the petitioner's property."

Recording the above statement in the counter affidavit, the writ petition is disposed of. If the petitioner has any further grievance, he may bring it to the notice of the local authority for appropriate reliefs in accordance with law.

(K.M.JOSEPH, JUDGE)

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